

**K.A.R. 82-3-603. Spill notification and cleanup; penalty; lease maintenance.** The proposed amendment to this regulation requires "reasonable diligence" in preventing spills instead of a strict prohibition of spills. The regulation also references the refuse transfer reporting requirement in K.A.R. 82-3-608.

**K.A.R. 82-3-604. Discharges into emergency pits and diked areas; removal of fluids; penalties.** The proposed amendment to this regulation creates a reference to the refuse transfer reporting requirement in K.A.R. 82-3-608, except if the fluid is removed from the pit or diked area to an on-site tank.

**K.A.R. 82-3-607. Disposal of dike and pit contents.** The proposed amendment to this regulation creates a reference to the refuse transfer reporting requirement in K.A.R. 82-3-608, except if the refuse is removed to the same on-site tank or facility from which the refuse originated. The penalty amounts in subsection (b) are removed, and a reference to the penalty in K.A.R. 82-3-608(d) is added, to prevent the creation of a duplicative penalty.

**K.A.R. 82-3-608. Transfer of refuse.** This new regulation creates a form-filing requirement within 30 days after an operator transfers "refuse from any pit or diked area or refuse relating to any remediation or cleanup activity." The regulation specifies penalties for the failure to comply with the requirement. The regulation also provides commission staff with authority to require an operator to transfer "refuse from any pit or diked area or refuse relating to any remediation or cleanup activity" if it is reasonably likely that the refuse would cause pollution without the transfer. The regulation provides penalty amounts for the failure to timely transfer refuse.

**K.A.R. 82-3-1300. Definitions; horizontal wells.** This new regulation creates definitions relating to horizontal wells.

**K.A.R. 82-3-1301. Horizontal wells.** This new regulation provides that the regulations applicable to vertical wells shall apply to horizontal wells except as specifically provided, and in addition to, the requirements in K.A.R. 82-3-1300 through K.A.R. 82-3-1307.

**K.A.R. 82-3-1302. Notice of intention to drill; setback.** This new regulation provides a form-filing requirement before drilling a horizontal well, with information specific to horizontal wells. The regulation also provides that the setback specified in K.A.R. 82-3-108, K.A.R. 82-3-207, and K.A.R. 82-3-312 shall apply to the entire completion interval of each horizontal wellbore.

**K.A.R. 82-3-1303. Oil and gas allowables.** This new regulation provides horizontal oil wells with an allowable of 200 barrels per 660 feet of completion interval, with each remainder of less than 660 feet resulting in a correspondingly proportionate addition to the allowable. Horizontal gas wells are granted an allowable of 3,000,000 cubic feet per day.

**K.A.R. 82-3-1304. Gas well test exemption.** This new regulation exempts horizontal wells from the gas well testing requirements in K.A.R. 82-3-303 and K.A.R. 82-3-304.

**K.A.R. 82-3-1305. Venting and flaring.** This new regulation prohibits venting from any horizontal well and provides requirements for flaring from a horizontal well.

**K.A.R. 82-3-1306. High-volume pumps.** This new regulation exempts horizontal wells from the requirements in K.A.R. 82-3-131 pertaining to high-volume pumps.

**K.A.R. 82-3-1307. Well completion report.** This new regulation provides that an operator of a horizontal well will provide a well completion report pursuant to K.A.R. 82-3-106 and K.A.R. 82-3-130, including information specific to horizontal wells and a directional survey.

#### Economic Impact Statement:

The horizontal well regulations will not add a substantial cost to either the commission or the industry. The horizontal well regulations will lessen the costs associated with obtaining authorization to drill a horizontal well in Kansas and expedite the process. As detailed in the application, testimony, hearing transcript, and Order in KCC Docket 12-CONS-117-CEXC, commission staff has spent substantial time obtaining recommendations from stakeholders regarding horizontal wells.

The regulations addressing transfer of refuse will create a small direct cost for the commission that will be handled by current staff members. The regulations will expand a form filing requirement for the industry, but the expansion will not create a substantial additional cost to the industry. Commission staff has spent substantial time discussing the expansion with stakeholders to ensure the final product is appropriately tailored to meet the objective. The refuse transfer regulations will provide an environmental benefit by assisting commission staff in ensuring that proper disposal techniques are employed with regard to transferred refuse.

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#### State of Kansas

#### Department of Health and Environment

#### Permanent Administrative Regulations

#### Article 35.—RADIATION

**28-35-147a. Schedule of fees.** Each fee for an initial license application or registration shall be equal to the sum of the annual fees for all applicable categories. Each annual fee for a license or registration shall be equal to the sum of the annual fees for all applicable categories. The following fees shall be paid as specified in K.A.R. 28-35-145 and 28-35-146:

- (a) Special nuclear material.
  - (1) Licenses for possession and use of special nuclear material in sealed sources contained in devices used in industrial measuring systems.
 

Annual fee .....	\$815.00
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  - (2) Any licenses not otherwise specified in this regulation for possession and use of special nuclear material, except licenses authorizing special nuclear material in unsealed form in combination that would constitute a critical mass.
 

Annual fee .....	\$1,885.00
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- (b) Source material.
- (1) Licenses that authorize only the possession, use, or installation of source material for shielding.
- Annual fee ..... \$305.00
- (2) All other source material licenses not otherwise specified in this regulation.
- Annual fee ..... \$4,745.00
- (c) Radioactive or by-product material.
- (1) Licenses of broad scope for possession and use of radioactive or by-product material issued for processing or manufacturing items containing radioactive or by-product material for commercial distribution.
- Annual fee ..... \$9,100.00
- (2) Other licenses for possession and use of radioactive or by-product material issued for processing or manufacturing items containing radioactive or by-product material for commercial distribution.
- Annual fee ..... \$2,795.00
- (3) Licenses authorizing the processing or manufacturing and the distribution or redistribution of radiopharmaceuticals, generators, reagent kits, sources, or devices containing radioactive or by-product material. This category shall include the possession and use of source material for shielding when included on the same license.
- Annual fee ..... \$4,550.00
- (4) Licenses authorizing distribution or redistribution of radiopharmaceuticals, generators, reagent kits, sources, or devices not involving processing of radioactive or by-product material. This category shall include the possession and use of source material for shielding when included on the same license.
- Annual fee ..... \$1,985.00
- (5) Licenses for possession and use of radioactive or by-product material in sealed sources for irradiation of materials in which the source is not removed from its shield.
- Annual fee ..... \$1,500.00
- (6) Licenses for possession and use of less than 10,000 curies of radioactive or by-product material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category shall include underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes.
- Annual fee ..... \$2,750.00
- (7) Licenses for possession and use of at least 10,000 curies of radioactive or by-product material in sealed sources for irradiation of materials in which the source is exposed for irradiation purposes. This category shall include underwater irradiators for irradiation of materials in which the source is not exposed for irradiation purposes.
- Annual fee ..... \$10,045.00
- (8) Licenses issued to distribute items containing radioactive or by-product material that require device review to persons exempt from licensing, except specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from licensing.
- Annual fee ..... \$2,495.00
- (9) Licenses issued to distribute items containing radioactive or by-product material or quantities of radioactive or by-product material that do not require device review

to persons exempt from licensing, except for specific licenses authorizing redistribution of items that have been authorized for distribution to persons exempt from licensing.

Annual fee ..... \$2,535.00

(10) Licenses issued to distribute items containing radioactive or by-product material that require a safety review of the sealed source or device to any person with a general license, except specific licenses authorizing redistribution of items that have been authorized for distribution to any person with a general license.

Annual fee ..... \$910.00

(11) Licenses issued to distribute items containing radioactive or by-product material or quantities of radioactive or by-product material that do not require a safety review of the sealed source or device to any person with a general license, except specific licenses authorizing redistribution of items that have been authorized for distribution to any person with a general license.

Annual fee ..... \$585.00

(12) Licenses of broad scope for possession and use of radioactive or by-product material issued for research and development that do not authorize commercial distribution.

Annual fee ..... \$4,940.00

(13) Other licenses for possession and use of radioactive or by-product material issued for research and development that do not authorize commercial distribution.

Annual fee ..... \$2,340.00

(14) Licenses that authorize services for other licensees, except the following:

(A) Licenses that authorize only calibration or leak-testing services, or both, shall be subject to the fee specified in paragraph (c)(16).

(B) Licenses that authorize waste disposal services shall be subject to the fees specified in the fee categories in subsection (d).

Annual fee ..... \$2,535.00

(15) Licenses for possession and use of radioactive or by-product material for industrial radiography operations. This category shall include the possession and use of source material for shielding when authorized on the same license.

Annual fee ..... \$5,105.00

(16) All other specific radioactive or by-product material licenses not otherwise specified in this regulation.

Annual fee ..... \$1,040.00

(17) Registration of general licenses for devices or sources specified in part 3 of this article, except those authorized by K.A.R. 28-35-178f.

Annual fee ..... \$190.00

(d) Waste disposal and processing.

(1) Licenses authorizing the possession and use of radioactive or by-product material, source material, or special nuclear material waste for a commercial, low-level radioactive waste disposal facility.

Annual fee ..... Full cost,  
as specified in K.A.R. 28-35-146a

(A) Amendment to license concerning safety and environmental questions.

Amendment fee ..... Full cost,  
(continued)

as specified in K.A.R. 28-35-146a

(B) Amendment to license concerning administration questions.

Amendment fee ..... Full cost,  
as specified in K.A.R. 28-35-146a

(2) Licenses specifically authorizing the receipt of radioactive or by-product material, source material, or special nuclear material waste from other persons for the purpose of packaging or repackaging the material. The licensee shall dispose of the material by transfer to another person authorized to receive or dispose of the material.

Annual fee ..... \$4,285.00

(3) Licenses specifically authorizing the receipt of pre-packaged radioactive or by-product material, source material, or special nuclear material waste from other persons. The licensee shall dispose of the material by transfer to another person authorized to receive or dispose of the material.

Annual fee ..... \$3,080.00

(e) Well logging.

(1) Licenses for possession and use of radioactive or by-product material, source material, or special nuclear material for well logging, well surveys, and tracer studies other than field flooding tracer studies.

Annual fee ..... \$1,985.00

(2) Licenses for possession and use of radioactive or by-product material for field flooding tracer studies.

Annual fee ..... \$1,985.00

(f) Nuclear laundries.

Licenses for commercial collection and laundry of items contaminated with radioactive or by-product material, source material, or special nuclear material.

Annual fee ..... \$9,620.00

(g) Medical licenses.

(1) Licenses issued for human use of radioactive or by-product material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category shall include the possession and use of source material for shielding when authorized on the same license.

Annual fee ..... \$4,575.00

(2) Licenses of broad scope issued to medical institutions or two or more physicians authorizing research and development, including human use of radioactive or by-product material, except licenses for radioactive or by-product material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category shall include the possession and use of source material for shielding when authorized on the same license. Separate annual fees shall not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under categories in this paragraph or paragraph (g)(3).

Annual fee ..... \$10,305.00

(3) Other licenses issued for human use of radioactive or by-product material, source material, or special nuclear material, except licenses for radioactive or by-product material, source material, or special nuclear material in sealed sources contained in teletherapy devices. This category shall include the possession and use of source

material for shielding when authorized on the same license. Separate annual fees shall not be assessed for pacemaker licenses issued to medical institutions who also hold nuclear medicine licenses under categories in this paragraph or paragraph (g)(2).

Annual fee ..... \$1,920.00

(h) Civil defense.

Licenses for possession and use of radioactive or by-product material, source material, or special nuclear material for civil defense activities.

Annual fee ..... \$540.00

(i) Device, product, or sealed source safety evaluation.

(1) Safety evaluation review of each device or product containing radioactive or by-product material, source material, or special nuclear material, except any reactor fuel device, for commercial distribution. This fee shall apply to each device or product.

Fee ..... \$2,925.00

(2) Safety evaluation review of each device or product containing radioactive or by-product material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant, except any reactor fuel device. This fee shall apply to each device or product.

Fee ..... \$2,925.00

(3) Safety evaluation of each sealed source containing radioactive or by-product material, source material, or special nuclear material, except reactor fuel, for commercial distribution. This fee shall apply to each sealed source.

Fee ..... \$945.00

(4) Safety evaluation of each sealed source containing radioactive or by-product material, source material, or special nuclear material manufactured in accordance with the unique specifications of, and for use by, a single applicant. This fee shall apply to each sealed source.

Fee ..... \$325.00

(j) Reciprocity.

(1) Licensees who conduct activities under a reciprocal agreement.

Annual fee ..... \$625.00

(2) Registrants who conduct activities under a reciprocal agreement.

Annual fee ..... \$135.00

(k) X-ray machines.

(1) Base registration fee per facility.

Annual fee ..... \$135.00

(2) Registration fee for each x-ray tube at a facility. This fee shall be in addition to the base registration fee.

Annual fee per x-ray tube ..... \$35.00

(l) Particle accelerators.

Annual fee ..... \$130.00

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Secretary of Health  
and Environment

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